

AMENDED IN ASSEMBLY AUGUST 31, 2009

AMENDED IN ASSEMBLY JUNE 29, 2009

SENATE BILL

No. 765

Introduced by Senator Dutton

February 27, 2009

An act to add Section 6363.4 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL'S DIGEST

SB 765, as amended, Dutton. Sales and use taxes: exemptions: thrift stores operated by ~~nonprofit organizations~~ *designated entities* on military installations.

The Sales and Use Tax Law imposes a tax on *retailers measured by* the gross receipts from the sale of *tangible personal property* in this state ~~of~~, or *on the storage, use, or other consumption in this state of;* tangible personal property *purchased from a retailer for storage, use, or other consumption in this state.* That law provides various exemptions from that tax.

This bill would, until January 1, 2014, exempt from sales and use tax, the sale of tangible personal property by a ~~nonprofit organization~~ *designated entity* that operates a thrift store on a military installation, whose purpose is to assist members of the ~~Naval Services Armed Forces~~ of the United States, and eligible family members and survivors.

~~Counties and cities are authorized to impose local sales and use taxes in conformity with state sales and use taxes. Exemptions from state sales and use taxes enacted by the Legislature are incorporated into the local taxes.~~

The Bradley-Burns Uniform Local Sales and Use Tax Law authorizes counties and cities to impose local sales and use taxes in conformity

with the Sales and Use Tax Law, and the Transactions and Use Tax Law authorizes districts, as specified, to impose transactions and use taxes in conformity with the Sales and Use Tax Law. Exemptions from state sales and use taxes are incorporated in these laws.

Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities for revenue losses caused by the enactment of sales and use tax exemptions.

This bill would provide that, notwithstanding Section 2230 of the Revenue and Taxation Code, no appropriation is made and the state shall not reimburse local agencies for sales and use tax revenues lost by them pursuant to this bill.

This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6363.4 is added to the Revenue and
2 Taxation Code, to read:

3 6363.4. (a) There are exempted from the taxes imposed by
4 this part, the gross receipts from the sale in this state of, and the
5 storage, use, or other consumption in this state of, tangible personal
6 property sold by a thrift store located on a military installation and
7 operated by ~~a nonprofit organization~~ *designated entity that, in*
8 *partnership with the United States Department of Defense, provides*
9 *financial, educational, and other assistance to members of the*
10 *Armed Forces of the United States, eligible family members, and*
11 *survivors that are in need..*

12 ~~(b) For purposes of this section, “nonprofit organization” means~~
13 ~~an organization, exempt from taxation under Section 23701d, that,~~
14 ~~in partnership with the Navy and Marine Corps, provides financial,~~
15 ~~educational, and other assistance to members of the Naval Services~~
16 ~~of the United States, eligible family members, and survivors that~~
17 ~~are in need.~~

18 *(b) For purposes of this section, “designated entity” means a*
19 *military welfare society described in Section 1033 of Chapter 53*
20 *of Part II of Subtitle A of Title 10 of the United States Code.*

21 (c) This section shall remain in effect only until January 1, 2014.

1 SEC. 2. Notwithstanding Section 2230 of the Revenue and
2 Taxation Code, no appropriation is made by this act and the state
3 shall not reimburse any local agency for any sales and use tax
4 revenues lost by it under this act.

5 SEC. 3. This act provides for a tax levy within the meaning of
6 Article IV of the Constitution and shall go into immediate effect.

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